United Nations CTOC/COP/WG.6/2018/L.1

Conference of the Parties to the United Nations Convention against Transnational Organized Crime

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Working Group on Firearms
Vienna, 2 to 3 May 2018

Draft Report

I. Introduction

1. In its resolution 5/4, entitled "Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition", the Conference of the Parties to the United Nations Convention against Transnational Organized Crime decided to establish an open-ended intergovernmental working group on firearms, in accordance with article 32, paragraph 3, of the United Nations Convention against Transnational Organized Crime, and rule 2, paragraph 2, of the rules of procedure for the Conference, to be chaired by a member of the Bureau of the Conference, to advise and assist the Conference in the implementation of its mandate with regard to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.

2. In that resolution, the Conference also decided that the working group should perform the following functions: (a) facilitate implementation of the Firearms Protocol through the exchange of experience and practices among experts and practitioners; (b) make recommendations to the Conference on how States parties could better implement the provisions of the Firearms Protocol; (c) assist the Conference in providing guidance to its secretariat on the activities of the secretariat and on the development of technical assistance tools relating to the implementation of the Firearms Protocol; and (d) make recommendations to the Conference on how the working group could better coordinate with the various international bodies combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, in the area of supporting and promoting implementation of the Firearms Protocol.

3. In its resolution 7/1, entitled "Strengthening the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto", the Conference decided that the Working Group on Firearms would be a constant element of the Conference of the Parties, forwarding its reports and recommendations to the Conference, and encouraged the Working Group to consider meeting on an annual basis, as needed.

4. In its resolution 8/3, entitled "Strengthening the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime", the Conference acknowledged that the Working Group on Firearms serves as a useful network of experts and competent authorities in

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order to improve international cooperation, exchange of information and good practices related to illicit firearms trafficking.

II. Recommendations

5. At its meeting held in Vienna from 2 to 3 May 2018, the Working Group on Firearms adopted the recommendations presented below.

A. General recommendations

B. Recommendations on practical measures under the Firearms Protocol that contribute to preventing criminal organizations and terrorist groups from acquiring weapons through illicit trafficking, and to monitoring the achievement of target 16.4 of the Sustainable Development Goals

III. Summary of deliberations

6. At its 2nd meeting, on 2 May 2018, the Working Group considered agenda item 2, entitled "Practical measures under the Firearms Protocol that contribute to preventing criminal organizations and terrorist groups from acquiring weapons through illicit trafficking, and to monitoring the achievement of target 16.4 of the Sustainable Development Goals."

7. The discussion about agenda item 2 was facilitated by Belala Djilali, General Prosecutor of the People's Democratic Republic of Algeria, on behalf of the African States; Fabio Marini, Principal Administrator in the Directorate General, Migration and Home Affairs, European Commission, on behalf of the European Union; José Romero Morgaz, Lieutenant Colonel of the Guardia Civil of Spain, Head of Unit of the Central Division Firearms and Explosives of the Ministry of Interior of Spain and Driver EMPACT FIREARMS, on behalf of the Western European and other States; and Marcus Vinicius da Silva Dantas, Federal Police Commissioner of Brazil, Division for the Repression of Crime against the Property and Trafficking in Firearms, on behalf of the Group of Latin American and Caribbean States.

8. The panellist for the African Group held a presentation about the experience of his country in responding to the links between illicitly trafficked firearms, organized crime and the commission of terrorism offences. Such responses included the investigation of the source and recipients of illicitly-trafficked firearms and related prosecutions, the adoption of appropriate legislation, including criminal provisions, in accordance with the Firearms Protocol, enhanced border control and judicial cooperation with international and regional organizations and with neighbouring countries. He called for enhanced international cooperation and encouraged other States to adopt adequate legislation in order to implement the provisions of the Firearms Protocol.

9. The panellist for the European Union described the actions undertaken at EU level in order to address the links between illicit arms trafficking and other crimes, and referred in particular to three fundamental elements related to their implementation of the Firearms Protocol. First, he mentioned the revision of relevant legislation in order to make stricter the marking of weapons and essential components manufactured in the EU, as well as the access to other types of weapons, including appropriate definitions, and the introduction of technical standards for deactivation of weapons. Second, he highlighted the importance of having enhanced law enforcement cooperation, with EU Member States as well as neighbouring and other strategic countries. Lastly, he emphasized the importance of research into firearms trafficking within the European Union and the exchange of information among EU Member States, for which a better use of existing databases was necessary, and

underlined that EU has started to enhance the latter together with strategic partners such as the UNODC and the Flemish Peace Institute inter alia.

10. The panellist for the Western European and other States spoke about the implementation of the European EMPACT (European Multidisciplinary Platform Against Criminal Threats) FIREARMS efforts, from the experience of his country as well as in the European Union context. In this regard, he explained what the EMPACT platform consisted of as well as its focus, which was to counter the threat of serious and organized crime, and highlighted the importance of coordination with all relevant actors. He discussed the priority areas for action that have been identified, such as the diversion of firearms into the black market, the cooperation with Member States within the Union and with third countries, in particular the Balkans, and MENA countries, countering the threat posed by deactivated weapons as well as the illicit conversion of weapons. Moreover, the panellist provided examples of relevant law enforcement operations and emphasized the importance of collecting, gathering and producing data and intelligence. He stressed the importance of establishing National Focal Points to facilitate and enhance the cooperation, and the importance of multidisciplinary interventions, ranging from legislative reviews, to research, data collection and analysis, and cooperation at all levels.

11. The panellist for the Group of Latin American and Caribbean States highlighted the interconnectedness between firearms trafficking and organized crime and gave a presentation about the experience of his country in combating firearms trafficking, including on regional cooperation and cooperation with strategic countries, best practices regarding the identification and marking of weapons and ammunition acquired by public forces, the importance of mutual legal assistance for the formal collection of evidence, border inspection and the use of surveillance technology. Moreover, underscoring the importance of tracing firearms and analysing the tracing results, the panellist spoke about the creation of the Federal Police National Tracing Centre and said that developing new ways of effectively marking firearms remains one of the main challenges of the firearms industry. The panellist further stressed the importance of ensuring centralized data and information on seized and surrendered arms, and to conduct thorough data analysis to better understand the phenomenon and devise tailored investigative and operational responses to these threats.

12. Following their presentations, the panellists exchanged further information with delegates at the meeting, based on several questions and comments. Among the main issues raised, it was said that further training and capacity-building for practitioners, experts and authorities was needed in relation to investigation and tracing, and it was noted that UNODC had already been conducting efforts in this regard, which needed to be further stepped up.

13. The importance of harmonizing legislation regionally, internationally and/or with strategic countries was highlighted, in order to facilitate and strengthen international judicial cooperation; it was also noted that, even where countries did not have the same crime typology in their legislation, other offences and/or the Firearms Protocol could be used in order to carry out international cooperation. The importance of establishing national focal points and of having standardized structures in each country in order to facilitate such cooperation was also stressed. Moreover, effective border control was identified as a key measure to prevent and counter the illicit trafficking in firearms, particularly also outside of official border-crossing points.

IV. Organization of the meeting

A. Opening of the meeting

14. The sixth meeting of the Working Group on Firearms was held in Vienna from 2 to 3 May 2018.

15. The meeting was opened by Guillermo Fonseca Leal (Mexico), Chair of the Working Group. He addressed the meeting and presented an overview of the mandate of the Working Group, its objectives and the subjects under its consideration.

16. At the opening of the meeting, statements were made by the European Union, on behalf of all the Members of the European Union.

B. Statements

17. Under agenda item 2, statements were made by representatives of the following States parties to the Firearms Protocol: Burkina Faso, Chile [...]. Statements were also made by the signatory States China [...]. Statements under the item were also made by the observers for France, Niger, the United States [...].

18. With the Chair presiding, the discussion under item 3 was led by the following panellists: ...

19. Under agenda item 3, statements were made by representatives of the following parties to the Firearms Protocol: ...

20. Under agenda item 4, statements were made by representatives of the following parties to the Firearms Protocol: ...

C. Adoption of the agenda and organization of work

21. At its first meeting, on 2 May 2018, the Working Group adopted by consensus the following agenda, as orally amended:

1. Organizational matters:
   (a) Opening of the meeting;
   (b) Adoption of the agenda and organization of work.
2. Practical measures under the Firearms Protocol that contribute to preventing criminal organizations and terrorist groups from acquiring weapons through illicit trafficking, and to monitoring the achievement of target 16.4 of the Sustainable Development Goals.
3. Preparation of the questionnaire to review the implementation of the Firearms Protocol.
4. Other matters.
5. Adoption of the report.

D. Attendance

22. The following States parties to the Firearms Protocol were represented at the meeting: Algeria, Angola, Argentina, Armenia, Austria, Belgium, Brazil, Burkina Faso, Chile, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechia, Democratic Republic of the Congo, Dominican Republic, Ecuador, El Salvador, European Union, Greece, Guatemala, Hungary, India, Iraq, Italy, Kenya, Kuwait, Lebanon, Mauritania, Mexico, Morocco, Nigeria, Norway, Oman, Panama, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Spain, Switzerland, Togo, Tunisia, Turkey, Uruguay, Venezuela (Bolivarian Republic of)...

23. The following States signatories to the Firearms Protocol were represented by observers: Australia, Canada, China, Germany, Luxembourg, United Kingdom of Great Britain and Northern Ireland ...

24. The following States that are not parties or signatories to the Firearms Protocol were represented by observers: Bolivia (Plurinational State of), Cameroon, Chad, Colombia, France, Indonesia, Iran (Islamic Republic of), Malta, Namibia, Niger, Pakistan, Philippines, Qatar, Russian Federation, San Marino, Sri Lanka, United Arab Emirates, United States of America, Yemen...

25. The following intergovernmental organization was represented by observers: AMERIPOL, Commonwealth of Independent States (CIS), Europol, Gulf Cooperation Council, Organization for Security and Co-operation in Europe (OSCE), RACVIAC Centre for Security Organization, Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (WA-SEC), World Customs Organization (WCO)...

26. A list of participants is contained in document CTOC/COP/WG.6/2018/INF/1/Rev.1.

E. Documentation

27. The Working Group had before it the following:

(a) Annotated provisional agenda (CTOC/COP/WG.6/2018/1);

(b) Background paper prepared by the Secretariat on practical measures under the Firearms Protocol that contribute to preventing criminal organizations and terrorist groups from acquiring weapons through illicit trafficking, and to monitoring the achievement of target 16.4 of the Sustainable Development Goals. (CTOC/COP/WG.6/2018/2);

(c) Background paper prepared by the Secretariat on Activities of the United Nations Office on Drugs and Crime to promote ratification and implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime. Background Paper by the Secretariat (CTOC/COP/WG.6/2018/3);

(d) Non-paper containing a draft questionnaire for the review of the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (CTOC/COP/WG.6/2018/CRP.1);

(e) Note by the Secretariat containing Illicit Arms Flows Questionnaire (CTOC/COP/WG.6/2018/CRP.2).

IV. Adoption of the report

28. On 3 May 2018, the Working Group adopted the present report on its meeting.

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Addendum

III. Summary of deliberations (*continued*)

1. At its 2nd meeting, on the afternoon of 2 May, the Working Group continued its deliberation of agenda item 2. Many speakers emphasized the importance of effective and timely training for law enforcement, customs and border officials on the detection of illicitly trafficked firearms, their parts and components and ammunition. It was also stated that training was needed in order to strengthen capacities of judiciary to properly prosecute and adjudicate firearms trafficking and related offences. Several speakers also mentioned the challenges caused by illicit trafficking along long borders and by sea. Several speakers underlined the importance of cooperating with the private sector on improving the marking of firearms, particularly with regard to information-sharing and the establishment of best practices.

2. Many speakers shared their national experiences in addressing the links between organized crime and terrorism, which in many cases were mutually reinforcing, as terrorist groups increasingly engaged in transnational organized criminal activities in order to finance their terrorist activities, including through illicit trafficking in firearms and drugs and human trafficking. The need to respond to the challenge posed by the use of the dark net for illicit firearms trafficking was also noted. Moreover, many speakers stated that, along with firearms, authorities in their countries had also seized a large number of explosives.

3. The Working Group also exchanged information on national efforts to adopt or review legislation that implemented the Firearms Protocol as well as other relevant legal instruments. Several speakers noted that these efforts had been supported by UNODC and by other international and regional organizations, and called for enhanced technical assistance, from both intergovernmental organizations and other States. Cooperation within regional organizations such as the Association of Southeast Asian Nations (ASEAN), the Economic Community of West African States (ECOWAS), the EU, G5 Sahel and the Organization of American States (OAS) was mentioned in the context of enhancing international cooperation. Many speakers also shared their experience on enhancing the effectiveness of tracing, including through continuous information exchange.

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IV. Organization of the meeting

B. Statements (*continued*)

4. Under agenda item 2, statements were made by representatives of the following States parties to the Firearms Protocol: Algeria, Argentina, Belgium, Brazil, European Union, Mali, Mexico, Morocco, Nigeria, Paraguay, Peru and Turkey. Statements under the item were also made by the observers for Chad and Indonesia.

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Addendum

II. Recommendations (*continued*)

1. At its meeting held in Vienna from 2 to 3 May 2018, the Working Group on Firearms adopted the recommendations presented below.

A. General recommendations on the links between firearms trafficking, organized crime and terrorism

Recommendation 1

Acknowledging that firearms trafficking is a transnational threat oftentimes linked to organized crime, including drug trafficking, and terrorism, and that the availability and accessibility of firearms, their parts and components and ammunition to these groups increases their destructive power and provides them with the material and financial means to pursue their goals and to perpetuate their existence, Member States should take all necessary actions to prevent these groups from acquiring these items.

Recommendation 2

Further acknowledging that illicit firearms facilitate organized crime and the commission of terrorist acts and undermines attainment of the 2030 Agenda for Sustainable Development (China), Member States should consider develop integrated and holistic approaches, national strategies or action plans to prevent and counter the illicit trafficking in firearms, their parts and components and ammunition, in particular in the context of transnational organized crime and terrorism.

Recommendation 3

Recognizing that the full and effective implementation of the United Nations Convention Against Transnational Organized Crime and its supplementary Firearms Protocol provides a meaningful basis to prevent and combat the illicit manufacturing of and trafficking in firearms, and its links to organized crime and terrorism, the Conference may wish to call upon all Member States that have not yet done so to adhere to and fully implement the above instruments.

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B. Recommendations on specific topics

1. Recommendations on legislative measures

Recommendation 4

Member States should enhance, where necessary, their national legal and institutional frameworks to address the interconnected threats posed by the illicit firearms trafficking, and other crimes such as organized crime and terrorism, and to request UNODC to provide assistance in this regard.

Recommendation 5

Member States should in particular revise and strengthen their national firearms legislation in order to identify legislative gaps and potential loopholes that can facilitate the access of firearms to criminal or terrorist groups and their diversion into the illegal market, taking into account emerging threats and technological developments, by reinforcing inter alia their provisions on manufacturing, deactivation and conversion, strengthening national transfer and licensing controls, as well as by considering introducing specific criminal offences related to the illicit manufacturing of and trafficking in firearms when linked to serious crimes, such as terrorism or organized crime.

2. Recommendations on preventive, security and regulatory measures

Recommendation 6

Member States are recommended to consider practical measures aimed at enhancing the control and traceability of firearms and to continue seeking innovative technological solutions in order to overcome the challenges posed by the frequent obliteration and erasing of markings on firearms used by criminal and terrorist groups, such as introducing microchips into weapons during their assembly process, inter alia.

Recommendation 7

Taking into account that comprehensive records and adequate marking are pre-requisites for effective tracing, Member States should consider the importance of maintaining records on firearms for as long as may be possible, and strengthening the capacity of law enforcement officers to efficiently search and use national databases with a view to investigating concrete criminal cases involving firearms trafficking and illicit firearms.

3. Recommendations on law enforcement and criminal justice

Recommendation 8

Member States are invited to consider establishing multidisciplinary pools of prosecutors in charge of organized crime, terrorism and arms trafficking, in order to better address these interconnected threats.

Recommendation 9

Member States should provide adequate capacity building and training for law enforcement and judicial officials, including prosecutors and judges, in order to deal with complex crimes involving multiple offences involving illicit arms trafficking (EU, France, Niger), and UNODC should facilitate and support requesting Member States in this endeavour.

Recommendation 10

Taking into account the multiple challenges faced by countries with large and porous borders to counter illicit arms trafficking, including at non-official border-crossings, Member States should be urged to undertake any effort to reinforce their mutual border control cooperation, and to strengthen the capacities of police and customs officials, in identifying firearms and their parts and components, and detecting

trafficking cases through tailored risk assessments and profiling techniques, specialized equipment and enhanced capacity building. To this end, UNODC should support requesting Member States in these efforts, inter alia through the provisions of specialized training, exchange of good practices and provision of adequate tools and equipment.

Recommendation 11

Member States should consider strengthening their early detection capacities to prevent diversion and illicit trafficking of firearms, their parts and components and ammunition, for example by using state-of-the-art technological tools for the monitoring and inspection of border controls at land, sea and air, and through specialized training to law enforcement, customs and judicial authorities, importers and exporters and other relevant actors.

Recommendation 12

With a view to ensure that criminal organizations responsible for firearm trafficking are identified and their leaders brought to justice, Member States should consider sharing information on seized firearms that were illegally trafficked into their territory, and ensure that further investigations are initiated, in follow up to the tracing requests, in the country where the last legal record of the firearms was identified.

4. Recommendations on international cooperation and information exchange

Recommendation 13

Member States should strengthen further their law enforcement and judicial cooperation on cases involving illicit firearms, for the purpose of gathering and exchanging information and evidence that can support criminal investigations in court.

Recommendation 14

Member States are encouraged to cooperate more closely with each other and to consider establishing joint investigative teams to conduct cross-border investigations, in order to counter the transnational phenomenon of firearms trafficking including when linked to other forms of organized crime and terrorism.

Recommendation 15

Member States should promote the exchange of information on trends and the strengthening of policies and actions on the craft production of firearms, their parts and components and ammunition.

Recommendation 16

The Working Group should consider promoting at its future a dialogue among Member States on the conducts, trends and efforts with regard to the detection and dismantling of trafficking through the darknet and the use of crypto-currencies, to reduce the illicit trafficking of firearms, their parts and components and ammunition.

Recommendation 17

Member States should also consider establishing a National Focal Point within a competent national authority, in charge of conducting and coordinating relevant actions and initiatives related to firearms control, including their tracing, record keeping, data collection and sharing, and supporting or conducting investigations on cases involving illicit firearms, and to facilitate cooperation and information exchange with other countries and relevant organizations, and where applicable, to act as liaison for the implementation of the Firearms Protocol.

Recommendation 18

Underlining the importance of tracing as essential measure to identifying illicit firearms flows, Member States are invited to consider establishing national tracing and ballistic centres allowing systematic and centralized data collection and analysis for the purpose of establishing a comprehensive intelligence picture that can also inform public policies against firearms trafficking, including in the context of organized crime and terrorism.

Recommendation 19

Member States are encouraged to periodically exchange information at regional and sub-regional levels on emerging threats related to the illicit trafficking in firearms with a view to detecting and identifying those threats early on and raising the awareness of other countries which might, due to the geographic proximity, face similar issues.

Recommendation 20

To this end, the Working Group should request UNODC to continue to play a leading role in facilitating and encouraging the regular sharing of data, information and experiences among Member States.

Recommendation 21

Member States are encouraged to consider concluding, where appropriate, Memoranda of Understanding with strategic partner countries to facilitate operational cooperation and information exchange in the context of prevention and combatting of firearms trafficking, including when linked to other forms of organized crime or terrorism.

Recommendation 22

The Conference may wish to acknowledge the importance and request the Working Group to continue to promote cooperation and coordination between Secretariats and equivalent governing bodies to relevant international and regional instruments and mechanisms, bearing in mind the different Parties to those instruments and mechanisms, and their alignment with target 16.4 of the 2030 Agenda for Sustainable Development.

5. Recommendations on monitoring illicit arms flows

Recommendation 23

Acknowledging the importance of enhanced data collection and analysis of illicit firearms flows (Brazil, Spain, EU), Member States are encouraged to revise and enhance their national data collection practices and tools (Brazil), and to participate and contribute to the upcoming UNODC data collection cycle, with a view to identifying illicit firearms trafficking trends and patterns, fostering information exchange and enabling the global monitoring of the achievement of indicator 16.4.2 of the 2030 Agenda for Sustainable Development.

C. Final recommendations

Recommendation 24

The Conference may also wish to request UNODC to continue to assist Member States in addressing the threats posed by illicit arms trafficking and its links to other serious crimes, and to prevent organized crime and terrorist groups from acquiring firearms, and further calls upon Member States to provide to this end the necessary technical and financial assistance to support developing countries.

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Addendum

III. Summary of deliberations (*continued*)

Agenda item 3

1. At its 3rd meeting, on 3 May 2018, the Working Group considered agenda item 3, entitled "Preparation of the questionnaire to review the implementation of the Firearms Protocol". Several speakers recalled the mandate contained in Conference resolution 8/2 regarding the preparation of the questionnaire, namely that it should be a short, precise and focused self-assessment tool for practitioners to assess the implementation of the Firearms Protocol. It was also said that the language of the questionnaire should be consisted with that contained in the Protocol, and it was suggested that, in order to streamline the questionnaire, optional provisions, measures and/or questions that went beyond the scope of the questionnaire or were open-ended could be placed in an optional annex to the questionnaire.

2. The Working Group began carrying out a second detailed reading of the questionnaire, as contained in document CTOC/COP/WG.6/2018/CRP.1, entitled "Non-paper containing a draft questionnaire for the review of the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition". Delegates provided specific comments and amendments to the text, which was projected on-screen and edited by the Secretariat. As a conclusion of the deliberations on this agenda item, the Chair requested the Secretariat to prepare a new version of the draft questionnaire, based on the comments that were made during the deliberations and which were recorded in the text, and to circulate this version as a new non-paper. The Chair also requested the Secretariat to make available on the website of the Working Group the text as projected on-screen, for information and reference purposes.

3. During the deliberations on this agenda item, it was recommended that, once the negotiations for the preparation of all four questionnaires, related to the Convention and its three Protocols, had concluded, it would be necessary for either the extended Bureau of the Conference, another expert meeting and/or the Conference to review all the questionnaires again in order to eliminate incongruences and duplications among the texts. Such a review could also address the outstanding issue of whether to include questions on the provisions that related to the mutatis mutandis application of the Convention into each of the Protocol questionnaires, or rather in the Convention questionnaire.

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IV. Organization of the meeting

B. Statements (*continued*)

4. Under agenda item 3, statements were made by representatives of the following States parties to the Firearms Protocol: Algeria, Argentina, Brazil, Burkina Faso, Costa Rica, Cuba, European Union, Italy, Mexico, Peru, Romania and Switzerland. Statements were also made by the signatory States Canada and China. Statements under the item were also made by the observers for France, Iran (Islamic Republic of) and United States of America.